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TO THE
CONSTITUENT ASSEMBLY
OF PAKISTAN DEBATES

VOLUME X-1951

(17th to 21st November, 1951)

TENTH SESSION

OF THE
CONSTITUENT ASSEMBLY OF PAKISTAN
1951

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Official Report

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TENTH SESSION

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1951

CONSTITUENT ASSEMBLY OF PAKISTAN

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Maulana Muhammad Akrum Khan.

The Honourable Mr. Abdul Hamid.

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When the motion for consideration of Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to Rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only

POINT(S) OF ORDER—*contd.*

rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the Bill. The Hon'ble Mr. Abdul Hamid said that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend concession to mover of amendments if moved without requisite notice. The Hon'ble President thereupon said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

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When the motion for consideration of Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the Bill. The Hon'ble Mr. Abdul Hamid said

that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend concession to mover of amendments if moved without requisite notice. The Hon'ble President thereupon said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

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that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule must operate against the mover. The honorable Member Abdul Wahid Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend consideration to mover of amendments if moved without requisite notice. The Honorable President thereupon said that we have been following the practice for long and none objected to it. The remark is made here and it is the fault of the Member who should in future observe notices for which to expedient. Accordingly the Bill would be taken up clause by clause after two days. 7-17.

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As the Hon'ble Pirzada Abdus Sattar Abdur Rahman moved for the consideration of the Bill, Mian Mohammad Iftikharuddin raised the point that the Members have not been given two days' clear time for giving notice of amendments as provided by rule 57 of the Constituent Assembly of Pakistan Rules of Procedure. — was of the view that rule 47 was applicable here. The Hon'ble Pirzada Abdus Sattar Abdur Rahman, however, pointed out that that objection can be taken up when the Bill is moved clause by clause. He said he was in order to move for consideration as it was not consideration clause by clause. The Hon'ble President ruled that the present motion is in order. "If the Bill is sought to be considered clause by clause, then probably the other question might arise". 2—7.

ABDUS SATTAR ABDUR RAHMAN, THE HON'BLE PIRZADA—

As — moved for the consideration of the Bill, Mian Mohammad Iftikharuddin raised the point that the Members have not been given two days' clear time for giving

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notice of amendments as provided by rule 57 of the Constituent Assembly of Pakistan Rules of Procedure. Mr. Abdulla Al-Mahmood was of the view that rule 47 was applicable here. ——— however, pointed out that that objection can be taken up when the Bill is moved clause by clause. He said he was in order to move for consideration as it was not consideration clause by clause. The Hon'ble President ruled that the present motion is in order. "If the Bill is sought to be considered clause by clause, then probably the other question might arise". 2—7.

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When the motion for consideration of Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only national interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the Bill. The Hon'ble Mr. Abdul Hamid said that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend concession to mover of amendments if moved without requisite notice. The Hon'ble President, thereupon said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

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of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. — opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the Bill. The Hon'ble Mr. Abdul Hamid said that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend the concession to mover of amendments if moved without requisite notice. The Hon'ble President, thereupon said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

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When the motion for consideration of the Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. ——— referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dhirendra Nath Dutta opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the bill. The Hon'ble Mr. Abdul Hamid said that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend concession to mover of amendments if moved without requisite notice. The Hon'ble President, thereupon said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

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Hussain Qureshi. 52, 53.

J

JAFFER, MR. AHMAD, E. H.—

Delimitation of Constituencies (Adult
Franchise) (Amendment) Bill—

Bill adopted. 54.

JAHAN ARA SHAH NAWAZ,
BEGUM—

Constitution. (Second Amendment)
Bill—

Consideration clause by clause—

Clause 8—Amendment by the
Hon'ble Dr. Ishtiaq Hussain
Qureshi. 53.

K

KHALILUR-REHMAN, SYED—

Members Sworn. 1.

KHUHRO, THE HON'BLE MR.
M. A.—

Constitution (Second Amendment)
Bill—

Consideration clause by clause.
16.

L

LIAQUAT ALI KHAN, THE
HON'BLE MR.—

Prayers for the soul of the —.
1, 2.

M

MAHMUD HUSAIN, THE HON'BLE
DR.—

Motion re—

Addition of new rule 6B to Consti-
tuent Assembly of Pakistan
Rules of Procedure—

Consideration moved—

Amendment of clause (a),
sub-rule (1) adopted. 61.

Amendments of clause (b),
sub-rule (1) adopted.
61-62.

Amendments of clause (c),
sub-rule (1) adopted. 62.

Budget Estimates of the Consti-
tuent Assembly of Pakistan. 18—
20.

The Delimitation of Constituencies
(Adult Franchise) (Amendment)
Bill. 17.

Presentation of Report of the Com-
mittee on Constitutional Admi-
nistrative Reforms in Baluchistan.
18, 21—48.

MR. PRESIDENT [THE HON'BLE
MR. TAMIZUDDIN KHAN]—

When the motion for consideration
of the Bill was adopted the Hon'ble
Mr. Fazlur Rahman referred to
rules 57 and 59 and held that
neither on grounds of fairness nor

of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta opined that rules 56, 57 and 62 make no distinction between the amendment of the Bill and the amendment of the clauses of the Bill. The Hon'ble Mr. Abdul Hamid said that rule 57 puts the mover of the amendment under certain obligations and not the mover of the Bill. Therefore that rule cannot operate against the mover. The Hon'ble Sardar Abdur Rab Nishtar referred to proviso to rule 47 and held that it was entirely within the discretion of the Chair to allow consideration clause by clause and also to extend concession to mover of amendments if moved without requisite notice. The Hon'ble President, thereupon, said that we have been following the practice for long and none objected to it. The remissness is there and it is the fault of the Secretariat who should in future circulate notices forthwith to Members. Accordingly the Bill would be taken up clause by clause after two days. 7—17.

N

NAZIMUDDIN, THE HON'BLE
KHWAJA—

When the motion for consideration of the Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta opined that rules 56, 57 and 62

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Constitution (Second Amendment)
Bill—

Consideration clause by clause. 12-13, 14.

Members Sworn. 1.

Prayers for the soul of the Hon'ble Mr. Liaquat Ali Khan. 1—2.

NISHTAR, THE HON'BLE SARDAR
ABDUR RAB KHAN—

Constitution (Second Amendment)
Bill—

Motion to consider adopted. 3.

Consideration clause by clause. 8, 9, 10-11, 16.

When the motion for consideration of the Bill was adopted the Hon'ble Mr. Fazlur Rahman referred to rules 57 and 59 and held that neither on grounds of fairness nor of commonsense could it be sustained that the Bill cannot be proceeded with clause by clause. Logical conclusion demanded that consideration clause by clause followed the stage of adoption of consideration of Bill. Shri Kamini Kumar Dutta referred to rules 47 and 57 and held that the only rational interpretation would be that two clear days' notice should be given to Members that the Bill be taken up either at once or at any time specified afterwards. Shri Dharendra Nath Dutta

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Q

QURESHI, THE HON'BLE DR. ISHTIAQ HUSAIN—

Constitution (Second Amendment) Bill—

Consideration clause by clause—
Clause 8—Amendment moved and adopted. 51—52.

S

SADIQ HASAN, SHAIKH—
Members Sworn. 1.

SHAUKAT ALI, MALIK—
Members Sworn. 1.

SHAUKAT HYAT KHAN, SARDAR—
Constitution (Second Amendment) Bill—

Motion to consider adopted. 2.